

ARIZONA CIVIL RIGHTS ADVISORY BOARD

Minutes of Public Meeting

Monday, January 23, 2012

Board Members Present

Jeff Lavender, Chairperson
Laura Mims, Vice Chairperson
Jesus Cordova
Beverly Dupree
Wendy Freeman

Board Members Not Present

Daisy Flores
Kenneth Moore

Staff Members Present

Sandra Kane, Executive Director
Jennifer Larson, Legal Counsel
Brian Kolosick, Administrative Assistant

I. Call to Order

Chairperson Jeff Lavender called the meeting to order at 4:07 p.m., with the following Board members present by telephone: Jeff Lavender, Jesus Cordova, Beverly Dupree, Wendy Freeman and Laura Mims.

II. Approval of Minutes of November 14, 2011 Meeting

Upon motion by Beverly Dupree, the Board voted unanimously to approve the minutes of the November 14, 2011 Board meeting.

III. Old Business

(1) Discussion on follow-up actions to letters on school bullying that were sent by the Board.

Sandra Kane informed the Board that the letters on school bullying had been sent to Superintendent Huppenthal, Governor Brewer and members of the State legislature on behalf of the Board. Partly in response to such letters, a representative from Superintendent Huppenthal's office contacted Ms. Kane on Thursday, January 19, 2012 to invite an ACRA representative to attend a round table discussion on school bullying. The round table discussion on school bullying will take place on Thursday, January 26, 2012 at 9 a.m. in the Department of Education Building. The discussion will cover any changes in policy and/or legislation needed to combat school bullying. Sandra Kane read Mr. Huppenthal's letter to the Board, which stated his concern on school bullying, particularly on bullying related to sexual orientation. Beverly Dupree informed the Board that she may be able to serve as the ACRA representative. After a brief discussion, the Board suggested that Jeff Lavender and Beverly Dupree represent ACRA at the event.

(2) Status of racial profiling investigation of Sheriff Arpaio.

Sandra Kane gave a brief summary of previous recommendations that the Board made to the Department of Justice regarding Sheriff Arpaio. She stated that she would distribute the Department of Justice's findings related to the investigation of Sheriff Arpaio to the Board. She

indicated the possibility that the parties involved will attempt to work out an arrangement to avoid a lawsuit.

IV. Legislation

Sandra Kane updated the Board on two relevant items of legislation that are currently being discussed in the State Legislature. First, HB 2135 would amplify existing anti-bullying legislation by including language that prohibits bullying based on actual or perceived sexual orientation. The bill also includes a provision that states that an administrator employed by the State who fails to follow policies and procedures approved by the governing board with respect to bullying would be guilty of professional misconduct and could have their credentials revoked. Second, HB 2351 would amend the Arizona Civil Rights Act to allow plaintiffs compensatory and punitive damages in employment discrimination cases. It would also extend the statute of limitations period from the current one year period to two years. Moreover, the bill would explicitly enable the Civil Rights Division to investigate cases of retaliation stemming from sexual harassment involving employers with less than 15 employees. Jeff Lavender suggested that the Board send a letter in support of Bill HB 2351 to the Legislature, and the Board discussed the procedures for writing, approving, and sending such a letter. Upon motion by Jesus Cordova, which was seconded by Wendy Freeman, the Board unanimously approved a motion for Jeff Lavender to write and submit a letter to the Legislature in support of the aforementioned legislation.

V. Call to the Public

Kathleen Winn, Director of Community Outreach and Education for the Attorney General's Office, reported that her Section made 625 presentations to 20,000 students in 15 counties on the subject of school bullying. She informed the Board that Robert Redford's son is producing a movie on school bullying and that her office has received an invitation to have the movie previewed in Arizona prior to its general public release. She invited the Board to view the film and to provide feedback on whether the film should be presented in schools or utilized as a community relations outreach tool. Beverly Dupree excused herself from the meeting at 4:48 p.m.

VI. Division Report

Sandra Kane announced that Kathy Grant's position has been filled by Donna ChrisJohn. Jennifer Larson reported to the Board that the AZDA regulations have been recently revised to conform to the federal ADA regulations. She explained that Title II and Title III of the ADA regulations were recently revised by the U.S. Department of Justice, necessitating the revision of the AZDA regulations by the Division. Most notably, the revised AZDA regulations include a new definition of service animals and will now enable the Division to have jurisdiction over charges dealing with service animals and mobile devices in government buildings. The AZDA regulations were also revised to conform to the federal building requirements for places of public accommodations and commercial facilities. The revised AZDA regulations go into effect on February 7, 2012, and the federal ADA regulations will go into full effect in March 2012.

It was also reported that the Division has settled a case against the City of Avondale that dealt with discrimination against group homes. As part of the settlement, the City of Avondale entered into a consent decree that states that Avondale will treat group homes the same as single family homes. Consequently, group homes will not have spacing requirements or sprinkler requirements. Moreover, the group home operator received a payment of \$50,000. In

addition, the Division is continuing to litigate State v. Cottonwood, which is a case that deals with the police department's testing methods which the Division believes have a disparate impact on women.

VII. Planning for Next Meeting

Sandra Kane proposed an in-person meeting to address the upcoming year's agenda. The Board agreed to have an in-person meeting and to schedule the meeting after conferring with absent board members regarding their schedules and the upcoming round table discussion on bullying with the Department of Education.

VIII. Announcements Current Events

There were no additional announcements or current events reported.

IX. Adjournment

The meeting adjourned at 5:10 p.m.